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Leo

寄件者: "IRENE-LUISA TORRES" <jambi\_face@yahoo.com>  
收件者: "Lynn Wong" <lynn.wong@goddess-hk.com>; "William" <wwong@goddess-hk.com>  
傳送日期: 2006年3月30日 上午 05:53  
附加檔案: betta-letter-pg-1of-5.jpg; Betta-letter-pg-2of5.jpg; Betta-letter-pg3of5.jpg; Betta-letter-pg-4of5.jpg; Betta-letter-pg5-of5.jpg; betta-progress-registraion.jpg  
主旨: \*\*\*\*\*EXTREMELY URGENT!!!!!! TO: GODDESS / ATTN WILLIAM & LYNN/ RE: LAWYER FROM NEET FEET PTY

3/29/06

Dear Lynn & William,

*Sorry to hv to bother you guys again but this is a good one!!! Attached pls find 5 pages - letter & attachements from a law firm representing Neet Fee Pty Ltd in Australia.*

*They bought our slippers in Macy's & basically they want a cease of us selling and Betta in the states claiming they hold all rights to the name in Australia and outside Australia including the USA. I am not sure if William will remember but when we first started this endeavor we had a search done & never found Betta registered by any Australian company here. We still can't find it today. We have found yours which I am attaching a copy of.*

*This is a huge problem and we need to speak to you as time is of the essence — you will see from the letter that April 10th is very close. I hv a call into my lawyer but will need paper work from you guys most likely. We also need to ask if Kim can help? Can / Will you speak to him??? Should I send him these letters also — maybe he can help in some way???*

*Youl will note in page 2 of the letter that they are asking us for statement in writing that we or any party we are involved with will never sell Betta slippers anywhere in the world!*

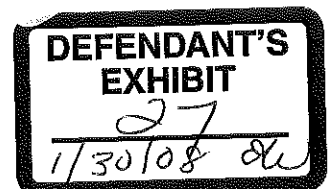
*They are calling our product counterfeit & have even sent a letter to the President of Macy's — asking that all Betta slippers be pulled. THis is a horrible situation for us even if legally they do not have a leg to stand on!*

*They are taking all the writing on our chip an pull it our of context ! They claim that our artwork of betta is exact as theirs -- which of course is not true. Kim uses Betta on his card as we do.... When Kim was here he explained to us what you guys had about "betta" and he read our chip & I explained to him the changes Wtlliam had asked me to make -- everything was fine.*

**PLEASE IF WILLIAM COULD CALL I WOULD GREATLY APPRECIATE IT...**

**THANKS!!!**

irene-Luisa



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**FROSS ZELNICK LEHRMAN & ZISSU, P.C.**

886 UNITED NATIONS PLAZA  
AT FIRST AVENUE & 48<sup>TH</sup> STREET  
NEW YORK, N.Y. 10017

TELEPHONE: (212) 512-8888  
FACSIMILE: (212) 512-8881

WRITER'S DIRECT PHONE: (212) 512-8888  
E-MAIL: [info@frosszelnick.com](mailto:info@frosszelnick.com)

March 28, 2006

**VIA FEDERAL EXPRESS**

Ms. Irene Torres  
President  
Milagro Imports Ltd.  
350 Fifth Avenue, Suite 2201  
New York, NY 10118

Re: Neet Feet Pty Ltd - BETTA SLIPPERS and Infringement by Milagro Imports (Our Ref.: NEET USA TC-06/01991)

Dear Ms. Torres:

We represent Neet Feet Pty Ltd, the owner of the BETTA trademark that was invented and first used in Australia in 1927. The BETTA brand is well-known in Australia, and certainly would be recognized in the United States by the Australian population, both native and visitors, who shop for footwear in the United States. The BETTA mark was registered in Australia in 1956 for women's and children's shoes and slippers. In 2002, Neet Feet Pty Ltd acquired the registration and all rights in the BETTA trademark outside Australia, including the United States. A copy of the Australian trademark registration certificate, as well as a specimen of the stylized BETTA mark as it appears on slippers, are attached for your convenience.

It has come to our client's attention that you are offering counterfeit BETTA slippers at Macy's department store in New York. The product packaging displays the BETTA mark in the identical stylized script, so that customers familiar with the BETTA slippers in Australia will be certain to believe your counterfeit product is the genuine BETTA product. To further cement the association, your product card states as follows:

"Betta footwear gives you the latest in fashion plus the quality of old world craftsmanship. Established in Australia in 1927, the company has become a leader in home fashion comfort around the world."

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Ms. Irene Torres  
Milagros Imports Ltd.  
March 28, 2006  
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However, your slippers are not manufactured by the company that has manufactured slippers in Australia since 1927, and thus the statement on your product packaging is false, deceptive and misleading, in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a). Further proof of the false nature of the claim of "old world craftsmanship established in Australia in 1927" is your label's admission that your slippers are made in China - not Australia. A more clear-cut case of unfair competition under Section 43(a) cannot be imagined.

Moreover, the BETTA mark has long been used and is well-known to Australian customers all over the world. The clear misappropriation of the trademark, down to the exact stylized lettering and reference to the founding of the firm in 1927 in Australia, constitutes a violation of Article 6 bis of the Paris Convention, of which the United States is a member. This provision requires member countries to prohibit the use of a trademark which constitutes a reproduction, or an imitation, liable to create confusion, of a mark considered to be by the competent authority of the country of registration or use (i.e. Australia) to be well-known in that country.

Therefore, on behalf of Neet Feet Pty Ltd, we hereby demand that all use of the BETTA trademark for slippers cease forthwith, and that all infringing products, together with the false and misleading product holder cards indicating that the product originates from the firm manufacturing these products in Australia since 1927, be immediately pulled from the market.

We are willing to resolve this matter with you on an amicable basis. To do so, we will require the following:

1. Your prompt written assurance not later than April 10, 2006, that all infringing products and packing have been pulled from the market and destroyed;
2. A list of all customers, in addition to Macy's, selling the slippers with the infringing BETTA brand, and sold with the false and misleading product card; and
3. Your written undertaking that neither your company, nor any party in privity with it, will sell the infringing BETTA slippers anywhere in the world.

If we have your immediate cooperation as to all points listed above, our client is willing to forego money damages. In the absence of such cooperation, our client reserves all rights to pursue all remedies available to it. The foregoing is not a complete recitation of all rights and remedies available to our client.

To facilitate the prompt resolution of this matter, we are copying the President of Macy's, so that they can assist in pulling the infringing merchandise and ensure prompt compliance with these demands.

[REDACTED]

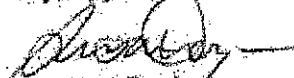
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Mr. Irene Torres  
Milagros Imports Ltd.  
March 28, 2006  
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We look forward to hearing from you not later than April 10, 2006.

Very truly yours,

  
Susan Upton Douglass

SUD:s  
Enclosures

cc: Mr. James E. Gray  
President, Macy's East

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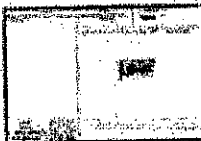
Trade Mark Details

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## Trade Mark Details

Trade Mark : 126358

**Word:** BETTA  
**Image:**  
**Lodgement Date:** 19-JAN-1956  
**Registered From:** 19-JAN-1956  
**Renewal Due:** 19-JAN-2008  
**Class/es:** 25  
**Status:** Registered/Protected  
**Kind:** n/a  
**Type:** Fancy



**Owner/s:** Nest Feet Pty Limited  
 ACN: 069850055  
 74-80 Stubbs Road  
 KENSINGTON, 3031, VIC  
 AUSTRALIA

**Address for Service:** Griffith Hack  
 GPO Box 1285K  
 MELBOURNE  
 3001, VIC

## Goods &amp; Services

**Class:** 25 Women's and children's shoes and slippers.

**Endorsements:** Deemed to be a distinctive mark by order of the Deputy Registrar of Trade Marks, dated 30th September, 1958. \* The preceding endorsement(s) were recorded prior to commencement of the Trade Marks Act 1995. \*

**Indexing Details - Word Constituents**  
 BETTA

**Indexing Details - Image Constituents**

**Indexing Comments**  
 script

This mark was registered under the Trade Marks Act 1955 in Part A

[http://pericles.ipaustralia.gov.au/atmos/Falcon/Details/Print\\_TM\\_Details?p\\_tm\\_number=...](http://pericles.ipaustralia.gov.au/atmos/Falcon/Details/Print_TM_Details?p_tm_number=...) 3/28/2006

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**IP Australia****Trade Mark : 126358**

Class:  
Women's and children's shoes and  
slippers.

Applicant  
BETA SHOE FACTORY PTY.  
LIMITED.

No. of Application  
**126358**

TRANSFERRED FROM CLASS 32 (1954/48 ACT)



Applicant	03	10	25
Registered	1	1	59
REG. RENEWED	19	7	70
REG. RENEWED	09 JUL 1984		

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10:12:11



United States Patent and Trademark Office

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SEARCH	CLASS	STATUS	EXPIRATION	RENEWAL	REMARKS	APPLICANT	ATTORNEY	REGISTER	REMARKS
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Table Status	Table Status	Table Status	Table Status
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 ( Use the "Back" button of the Internet Browser to return to TESS)
**BETTA**

**Word Mark:** BETTA  
**Goods and Services:** IC 025, US 022-039, G & S footwear and sock. FIRST USE: 20030321, FIRST USE IN COMMERCE: 20040115  
**Mark Drawing Code:** (S) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM  
**Design Search Code:**  
**Serial Number:** 76509613  
**Filing Date:** June 15, 2004  
**Current Filing Basis:** 1A  
**Original Filing Basis:** 1A  
**Owner:** (APPLICANT) Progress Vantage Limited LIMITED COMPANY HONG KONG Unit 13A1, 13th Floor, Park Sun Building 103-107 Wo Yi Hop Road Kwai Chung, New Territories HONG KONG  
**Attorney of Record:** Cindy L. Cadiz  
**Type of Mark:** TRADEMARK  
**Register:** PRINCIPAL  
**Live/Dead Indicator:** LIVE

SEARCH	CLASS	STATUS	EXPIRATION	RENEWAL	REMARKS	APPLICANT	ATTORNEY	REGISTER	REMARKS
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1/1/07

10/10/04

BETTA-111510

EXPIR: 2005-02-01

2007/8/30